

NRS 459.546 Variances: Conditions and criteria for granting; revocation.

1. The owner or operator of a facility for the treatment, storage or disposal of hazardous waste or a person who wishes to construct such a facility may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after a public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The facility or proposed facility, under the worst adverse conditions, does not or will not endanger or tend to endanger the environment and human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the environment or public.

2. The Commission shall not grant a variance unless it has considered in the following order of priority the interests of:

(a) The public;

(b) Other owners of property likely to be affected by the emissions or discharge; and

(c) The applicant.

3. The Commission may:

(a) Upon granting a variance, impose certain conditions upon the applicant; or

(b) Revoke the variance if the applicant fails to comply with those conditions.

(Added to NRS by 1989, 1455)

NAC 444.8693 Submission of application for variance from certain federal regulations. ([NRS 459.485](#), [459.548](#)) An owner or operator of a facility for the management of hazardous waste may seek a variance from the requirements of 40 C.F.R. Parts 260, 264 and 268, as adopted pursuant to [NAC 444.8632](#), by submitting an application for the variance to the Commission.

(Added to NAC by Environmental Comm'n, eff. 5-27-92)

NAC 444.8696 Fee for processing and review of application for variance. ([NRS 459.485](#), [459.548](#))

1. Except as otherwise provided in subsection 2, the owner or operator of a facility for the management of hazardous waste shall pay to the Division, to offset the cost to process and review an application for a variance:

(a) A fee of \$50 for each hour of staff time devoted to processing and reviewing the application; and

(b) The actual cost of travel, per diem, salaries and any other expenses incurred by the Commission in connection with the application.

2. The maximum amount an applicant must pay pursuant to subsection 1 is:

(a) Five thousand dollars in the case of a facility or proposed facility handling less than 1,000 tons of hazardous waste annually.

(b) Ten thousand dollars in the case of a facility or proposed facility handling 1,000 tons or more but less than 10,000 tons of hazardous waste annually.

(c) Twenty thousand dollars in the case of a facility or proposed facility of unspecified capacity or handling 10,000 tons or more of hazardous waste annually.

3. The Division shall maintain an accurate account of the time and expense associated with the review of each application and, upon completion of the review, refund to the applicant any difference between:

(a) The amount required to cover the cost of the review; and

(b) The amount paid at the time the application was filed.

4. The Commission shall not issue a variance unless all applicable fees are paid.

(Added to NAC by Environmental Comm'n, eff. 5-27-92)